

*filed
in open
court
11/29/04*

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA :
 :
 v. : CRIMINAL No. 04-10317-RCL
 :
 ANDREW LEWIS, :
 Defendant :

Joint Statement Pursuant to Local Rule 116.5(A)

The parties submit the following pursuant to Local Rule 116.5(A):

(1) The parties do not need relief under the timing requirements of L.R. 116.3.

(2) The defendant requests discovery pertaining to expert witnesses pursuant to F.R.Cr.P. 16(a)(1)(G). The parties request that the deadlines for making the requisite expert witness disclosures thirty be set as: the United States must provide such discovery (30) days prior to trial and the defendant must provide reciprocal disclosures fourteen (14) days prior to trial.

(3) The parties anticipate providing additional discovery in accordance with item (2) above. Additionally, the defendant anticipates filing a motion to compel production of a copy of the computer hard drive seized by the government, a motion which the government anticipates opposing. The defendant requests two weeks to file this motion (until December 13, 2004), and the government requests three weeks to respond (until January 3, 2004) based on the intervening holidays.

(4) The defense has not yet made a determination regarding

dispositive motions.


(5) The parties request that the time period from November 15, 2004 through the whatever date the Court establishes for an interim status conference be excluded from calculation under the Speedy Trial Act in the interests of justice to allow the defendant to assess the provided discovery, file anticipated discovery motions, and determine whether dispositive motions should be filed.

(6) If this case goes to trial, the parties anticipate that it would take approximately five (5) days.


(7) The parties propose that an Interim Status Conference be scheduled to be held during the week of January 3, 2004.

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By His Attorney

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November 29, 2004